

POTPOURRI NOTICE

Department of Environmental Quality Office of Environmental Assessment Division of Environmental Planning

Solicitation of Comments on NO_x Reasonably Available Control Technology (RACT) for Ozone Control (0010Pot2)

Louisiana has experienced many days of elevated ozone levels this summer throughout the state and especially in the Baton Rouge area as a number of the monitored readings have exceeded the one-hour standard. In addition, the 5-parish Baton Rouge ozone nonattainment area, that includes the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge, did not meet the 1999 statutory deadline to comply with the one-hour ozone National Ambient Air Quality Standard (NAAQS). Therefore, identification and promulgation of regulations to implement emission reduction controls is necessary by August 15, 2001. Options being considered include controls on a statewide basis.

The LDEQ is preparing a revision to the State Implementation Plan (SIP) that will specify emission reduction control strategies so that Louisiana can comply with the ozone NAAQS standard. Rules to implement emission reduction controls for inclusion in the SIP must be promulgated. In accordance with R.S. 49:953 of the Administrative Procedure Act, any proposed rule must include a Fiscal and Economic Impact Statement. Further, the LDEQ is required, by R.S. 30:2019(D) and R.S. 49:953(G) to perform a cost/benefit and risk analysis if a rule has a fiscal impact of \$1 million or more and is not required for compliance with a federal law or regulation.

The LDEQ is considering options to reduce oxides of nitrogen (NO_x). The options under consideration are as follows:

1. a NO_x RACT rule similar or equal to the LDEQ Rule promulgated on February 20, 1994, as LAC 33:III.Chapter 22 (copies available upon request or refer to the *Louisiana Register*);
2. a NO_x Emissions Cap and Trade Rule (following EPA's proposed rule format published in the *Federal Register* on January 18, 2000);
3.
 - a. remove the CAA Section 182(f) exemption(s); and/or
 - b. if exemption removed, then specify a higher offset ratio in lieu of LAER for NO_x New Source Review.
4. Please consider the various geographic options below when preparing responses for 1 through 3 above.

The LDEQ is also considering different geographical areas for applicability of these options. The areas under consideration are as follows:

1. the 5-parish Baton Rouge area designated as a serious ozone nonattainment area;
2. a Baton Rouge regional area that would include the parishes of Ascension, Assumption, Avoyelles, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Lafourche, Livingston, Pointe Coupee, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, Tangipahoa, Terrebonne, Vermilion, West Baton Rouge, and West Feliciana;
3. a south Louisiana area that would include all the parishes listed in 2 above, plus the parishes of Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Orleans, Plaquemines, Rapides, St. Bernard, St. Tammany, Vernon, and Washington; or
4. statewide.

The LDEQ requests all interested parties to submit information and comments regarding options of NO_x reductions and geographical applicability. The LDEQ specifically requests comments regarding the following issues:

1. What are the expected environmental benefits and/or disbenefits of the NO_x reductions under consideration? For what geographical areas?
2. What are the potential manufacturing/processing costs/impacts for the options of NO_x reductions under consideration? For what geographical areas?
3. For a NO_x Cap and Trade rule, the rule should cover what universe of sources, baseline emission levels, emissions cap and rate of decline, what level of allocation of emissions allowances and utilize what standardized monitoring and measurement techniques? For what geographical areas?
4. Should a NO_x Cap and Trade rule stand as a contingency measure for the SIP? For what geographical areas?
5. What other NO_x reductions should LDEQ consider? For what geographical areas?
6. Could NO_x reductions be implemented for the 2002 ozone season? For what geographical areas? If not by 2002, then when at the earliest?
7. Other information or comments regarding NO_x reductions.
8. Please send comments on any plans for NO_x reductions through 2005.

Should the LDEQ propose a rule to implement a NO_x RACT Rule (including geographical areas of applicability) or a NO_x Emissions Cap and Trade Rule, the public will have an additional opportunity to comment during the rulemaking process.

Comments are due no later than 4:30 p.m. CST on Thursday, November 30, 2000, and should be submitted to Ms. Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or hand-delivered to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810 or faxed to (225) 765-5095. Persons commenting should reference this document as "NO_x RACT for Ozone Control."

James H. Brent, Ph.D.
Assistant Secretary